

## **REMARKS**

### **Status of claims**

Upon entry of the present amendment, claims 1-2, 4-14 and 17-22 will be pending. Claims 1 and 13 will have been amended. Reconsideration of the Office Action of July 7, 2009 is respectfully requested.

### **I. Rejection under 35 U.S.C. § 102**

The Examiner rejected claims 1-14 and 17-22 under 35 U.S.C. 102(b) as being anticipated by Van Oorshot et al., U.S. Patent Number 6,229,894. The Examiner continues to assert that Van Oorshot et al. teach the limitations of claims 1-14 and 17-22. With regard to claims 1 and 13, the Examiner asserted that Van Oorshot et al. teach the method substantially as recited in column 2, lines 4-10; column 5, lines 56-65; column 4 line 59 to column 5, line 5; and Figure 2. As to claim 3, the Examiner asserted that Van Oorshot teach "including encrypted search conditions within the decryption keys that are made selectively available," in column 7, lines 43-61.

As to claim 13, the Examiner asserted that Van Oorshot teaches the recited system in column 5, lines 56-65; column 7, lines 17-30; column 6, lines 50-54; Figure 2. As to claim 17, the Examiner asserted Van Oorshot et al. teach the recited method in column 5, lines 56-65; column 7, lines 17-30; column 6, lines 50-54; column 5, lines 39-55; and Figure 2. Applicant respectfully traverses.

In particular, Applicant has amended claim 1 to substantially include the recitation of claim 3. Claim 13 has been amended in a similar fashion. Claim 17, as previously presented, substantially recites the limitation of claim 3. The Examiner asserted that Van Oorshot teaches the subject matter of claim 3 in the following disclosure:

As an alternative example, if the requesting entity is a third party, the server 16 would determine whether the particular third party has any access rights to the user specific encryption information. If not, the server would deny the third party's request. If, however,

the third party does have access privileges to the user specific encryption information, the server would determine to what degree. For example, the third party may be granted access to the end-user's private decryption key or key history such that it can decrypt any messages received by or transmitted by the end-user at any point in the past or until the next key update. Alternatively, access to the end-user's private decryption key may be limited to a specific period of time. As another alternative, the third party may be granted access to certain session keys for particular communications. As yet another alternative, the third party may be granted access, not to keying material but rather to the plain text corresponding to ciphertext (accompanied by the appropriate wrapped session 60 keys) which the third party provided.

Van Oorshot at column 7, lines 43-61.

Applicant submits that this portion of Van Oorshot (or any other portion) fails to teach or suggest "decryption keys that exhibit restricted availability, wherein encrypted search conditions are included within the decryption keys," as recite in claim 1 (and similarly in claims 13 and 17), as there is no teaching or suggestion of including *encrypted search conditions within the decryption keys* in Van Oorshot. At best, the cited section of Van Oorshot teaches methods of determining access rights that are granted to third parties requesting keys. However, as recited in the claims and disclosed on page 5 of Applicant's specification, "clauses can be embedded within the decryption key so that only those encrypted records that match the quite specific criteria are made available." Thus, the *encrypted search conditions within the decryption keys* define limitations on what the decryption keys can decrypt, not access rights associated with third parties requesting keys.

As such, Van Oorshot et al. do not teach explicitly recited elements of claims 1, 13 and 17. Therefore, claims 1, 13 and 17 patentably define over Van Oorshot. With regard to claims 2-12, 14 and 18-22, Applicant notes that these claims depend from what is believed to be an allowable base claim (i.e., claims 1, 13 and 17, respectively). As such, without addressing the propriety of the Examiner's rejection. Applicant submits that claims 2-12, 14 and 18-22 are now allowable over the prior art of record.

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In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-14 and 17-22 under 35 U.S.C. 102(b) as being anticipated by Van Oorshot et al.

CONCLUSION

Applicants respectfully assert that all of the pending claims are allowable over the references of record, and requests entry of a Notice of Allowance.

Respectfully submitted,

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